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ABSTRACT

With the re-adoption of the Texas Education Code (TEC) in 1995, the Texas commissioner of education was required to develop and propose an assessment system for students with disabilities and for students of limited English proficiency. The evolution of the Texas Assessment of Academic Skills (TAAS) program and the development of the accountability rating system for Texas's public schools and districts, with an emphasis on the Spanish TAAS, is described. The report provides background information for including more students in the statewide assessment program and discusses ways in which the Academic Excellence Indicator System (AEIS) can be evaluated. The report suggests that expanding the assessment program and AEIS is contingent upon resolving measurement and policy issues related to appropriate testing of students, appropriate use of test results, and the impact on the accountability rating system for Texas schools. Issues discussed include the appropriate testing of students with disabilities, test accommodations for students with disabilities, preparation of students with limited English proficiency for the English TAAS, number and consistency of exemptions, appropriate use of Spanish TAAS results, impact on the accountability system, and attributing students to dual campuses. The text concludes with an update of changes in state statutes related to student assessment and school accountability. (RJM)

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Expanding the Scope of the Texas Public School Accountability System

With readoption of the Texas Education Code in 1995, statute expanded the focus of state policy regarding special programs beyond compliance and program quality to also include accountability for student performance. This report provides background information against which issues related to including more students in the statewide assessment program and Academic Excellence Indicator System (AEIS) can be evaluated. Expanding the assessment program and AEIS is contingent upon resolving measurement and policy issues related to appropriate testing of students, appropriate use of test results, and impact on the accountability rating system for Texas public schools and school districts. At the center of the debate are questions about standardizing treatment of students for whom there has previously been a high level of recognition of individual circumstances, such as students with disabilities and students of limited English proficiency. Since the report was prepared during the state legislative session, it concludes with an update of changes in state statute related to student assessment and school accountability.

Report Number 9, June 1997

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Expanding the Scope of the Texas Public School Accountability System

Introduction

With readoption of the Texas Education Code (TEC) in 1995, the commissioner of education was required to develop and propose an assessment system for students with disabilities and students of limited English proficiency (LEP) who are exempt from the Texas Assessment of Academic Skills (TAAS) statewide testing program. By 1998-99, the performance of these students is to be included in the Academic Excellence Indicator System (AEIS). Neither the nature of the assessment system nor how results are to be included in the AEIS are specified in law currently. Decisions about use of test results for reporting or rating purposes are the prerogative of the commissioner of education. The statute potentially expands the focus of state policy regarding special programs beyond compliance and program quality to also include accountability for performance of students. In December 1996, the commissioner submitted reports to the legislature outlining proposed changes to the assessment and accountability systems that would increase participation for students with disabilities and LEP students. These proposals are currently under review.

Also being explored are options for integrating the performance of campuses that are excluded from the standard accountability rating system due to the special nature of their programs. In certain situations, campuses are not rated under the standard accountability rating system, or the performance of their students is not included in district ratings. Typically, campuses that fall in this category provide special programs for students from across a single district or from more than one district.

This report describes the evolution of the statewide assessment program and development of the accountability rating system for Texas public schools and school districts. (For a more comprehensive discussion of the development of the Texas public school accountability system see TEA (1996) *The Development of Accountability Systems Nationwide and in Texas*.) State policy related to exemptions from the assessment and accountability systems is reviewed, and data are used to profile the current systems and various proposals. Taken together, this information provides a background against which issues related to proposed changes in the accountability system can be evaluated. Issues discussed are (1) appropriate testing of students with disabilities, (2) test accommodations for students with disabilities, (3) preparation of LEP students for the English TAAS, (4) number and consistency of exemptions; (5) appropriate use of Spanish TAAS results, (6) impact on the accountability system, and (7) attributing students to dual campuses.

Evolution of the TAAS

Statewide testing of students in selected grades was implemented in Texas in 1980-81. The latest version of the testing program, the Texas Assessment of Academic Skills (TAAS), has been in place since the 1990-91 school year. Unlike its predecessors, the TAAS is designed to measure problem-solving and critical thinking skills required in the essential elements of the state-mandated curriculum, rather than minimum skills. The primary purpose of the TAAS program has evolved from school-level diagnosis of individual student performance only to include state-level evaluation of school accountability for student performance. Since its inception, the TAAS has undergone a number of changes related to the grades and subject areas tested, as well as the time of year of test administration.

The 1992-93 school year was a transition period for the TAAS program because the timing of the test and the grades tested changed, as Table 1 on page 2 illustrates. Before that year, students in Grades 3, 5, 7, 9 and 11 (exit level) were tested in reading, mathematics, and writing in the fall. Since 1992-93, the TAAS has been administered in the spring of the school year. Since 1993-94, students in Grades 3-8 and 10 (exit level) are tested in reading and mathematics, and

students in Grades 4, 8, and 10 (exit level) are tested in writing. The test was moved from fall to spring to provide a more accurate gauge of student learning for the school year. The move also modified the timing of results for state evaluation of district and campus performance, allowing release of ratings before the start of the next school year.

Increasing the number of grades tested also brought more students into the assessment and accountability systems. In addition, testing at each of Grades 3-8 provides a sequence of tests, allowing measurement of annual changes in student achievement as well as measuring performance against a standard. Assessing writing performance only at Grades 4, 8, and 10 reflects the dual goals of assessing students at strategic points that are developmentally appropriate and implementing the assessment program in an efficient manner. The TAAS administration schedule strives to maximize the number of students included in the assessment program while minimizing the number of hours schools spend administering statewide tests.

With new tests being phased into the program, the TAAS is expanding to cover a fuller range of the essential elements. Science and social studies tests were added to the original program of tests in reading, mathematics, and writing. New tests also include end-of-course examinations for students who have completed Algebra I, Biology I, English II, and United States History (TEC §39.023 (c)), which are currently being phased in. Spanish versions of the TAAS, discussed in more detail in the next section, are also being developed for Grades 3-6 to test the significant population of LEP students whose native language is Spanish. The TAAS will continue to evolve as new essential knowledge and skills adopted by the State Board of Education (SBOE) in 1997 replace the essential elements of the state-mandated curriculum.

Spanish TAAS

The Spanish version of the TAAS is the only component of the criterion-referenced assessment program not specifically mandated in statute. In 1994, the SBOE adopted a plan to develop Spanish TAAS tests for Grades 3-6 to assess the large numbers of Texas students who participate in Spanish bilingual programs in those grades. Over 90 percent of identified LEP students speak Spanish as their native language. The SBOE plan emphasizes the importance of evaluating the extent to which students are mastering the state-mandated academic skills in Spanish while they are learning English.

Table 1. TAAS Testing Schedule from 1990-91 to 1996-97

Grade	1990-91 School Year: Fall 1990	1991-92 School Year: Fall 1991	1992-93 School Year: Fall 1992	1992-93 School Year: Spring 1993	1993-94 School Year: Spring 1994	1994-95 School Year: Spring 1995	1995-96 School Year: Spring 1996	1996-97 School Year: Spring 1997
3	R, R(S), W, W(S), M, M(S)	R, R(S), W, W(S), M, M(S)	R, R(S), W, W(S), M, M(S)		R, M	R, M	R, R(S), M, M(S)	R, R(S), M, M(S)
4				R, W, M	R, W, M, Sc, So	R, W, M	R, R(S), W, M, M(S)	R, R(S), W, W(S), M, M(S)
5	R, W, M	R, W, M			R, M	R, M	R, M	R, R(S), M, M(S)
6					R, M	R, M	R, M	R, R(S), M, M(S)
7	R, W, M	R, W, M	R, W, M		R, M	R, M	R, M	R, M
8				R, W, M	R, W, M, Sc, So	R, W, M, Sc, So	R, W, M, Sc, So	R, W, M, Sc, So
9	R, W, M	R, W, M						
10				R, W, M*	R, W, M*	R, W, M*	R, W, M*	R, W, M*
11	R, W, M*	R, W, M*	R, W, M					

Source: Adapted from TEA (1996), *The Development of Accountability Systems Nationwide and in Texas.*
R = Reading; W = Writing; M = Mathematics; Sc = Science; So = Social Studies; R(S) = Spanish Reading; M(S) = Spanish Mathematics; W(S) = Spanish Writing
* Students may be retested at subsequent grade levels.

In addition to testing at more grades, the TAAS has expanded to cover more subject areas and to include students receiving instruction in Spanish.

The current Spanish TAAS tests were created by a team of educators, test development specialists, and native Spanish speakers for a wide range of Spanish-speaking areas. Using an adaptive translation process called "transadaptation," the team worked to develop Spanish test items that are linguistically appropriate, free from bias, and comparable in content and complexity to the English versions. Translators relied on state-adopted textbooks in Spanish, current bilingual education methodologies, and input from Texas bilingual educators. Once completed, each Spanish TAAS assessment undergoes a rigorous review from committees of Texas bilingual educators, and the assessment is field-tested statewide.

The Grades 3 and 4 Spanish reading and mathematics assessments were field tested during the 1994-95 school year. The Spanish version of the Grade 4 writing assessment and Grades 5 and 6 reading and mathematics assessments were field tested in 1995-96. During the benchmark administration of an assessment (the year following the field test), bilingual educators are asked to complete surveys to evaluate each test item to indicate whether their students had received sufficient instruction by the time of testing to enable them to answer the test item correctly.

Exemption of Students From the TAAS

LEP Students

There were 514,139 LEP students in Texas public schools in 1996-97, an increase of 29 percent over the past five years. As Figure 1 shows, the next most common native languages of LEP students after Spanish are Vietnamese, Chinese, and Korean. Early childhood, prekindergarten, and kindergarten students make up 20 percent of the LEP population, but the highest increase in number of LEP students is at Grades 3 and 4.

The increase in numbers of LEP students can be attributed to changing demographics of the Texas population. In recent years, increases in the Hispanic population have driven statewide growth in the public schools; the Asian American population is also fast growing.

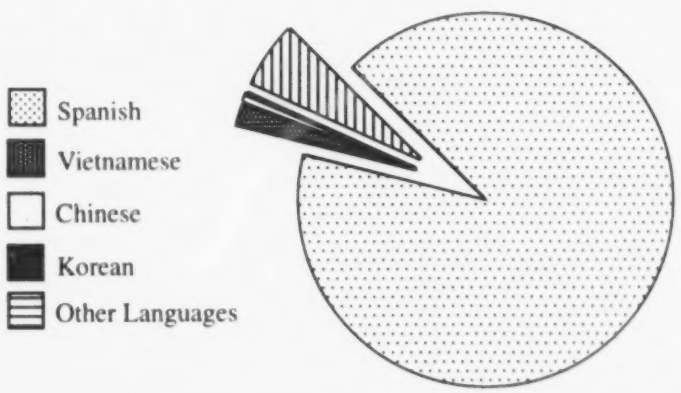
High school students (Grades 9-12) make up 14 percent of all LEP students. This growing population presents a particular challenge to educators because these students must achieve English proficiency in order to pass the exit-level TAAS, which state law requires for graduation. State Board of Education rules (19 TAC §101.3) do allow one postponement of the exit-level test for recent immigrants (students who have entered the country within 12 months of the date the test is administered).

Before 1995, statute directed the SBOE to adopt rules relating to exemptions from the assessment program, but did not specify exemptions for LEP students (TEC §35.027, 1994). With readoption of the TEC in 1995, exemptions for LEP students were specifically included in statute for the first time (TEC §39.027).

State Board of Education rules implementing the state assessment program have included language regarding exemptions for LEP students since 1986 (19 TAC §101.3). Currently, a LEP student in Grades 3-8 may be (1) exempted from the TAAS and administered an alternative assessment, (2) administered the Spanish version of the TAAS, or (3) administered the English TAAS. No combination of options one and two may be used for more than three administrations of the TAAS. After that time, the student must be administered the English version of the test. Districts are discouraged from exempting students or administering the Spanish test more than twice to students who enter Texas public schools by first grade, since these students will have received two full years of instruction before the first TAAS test is offered in Grade 3.

The local language proficiency assessment committee (LPAC) has primary responsibility for determining

Figure 1.
LEP Enrollment by Language, 1996-97 School Year



Source: TEA PEIMS 1996-97.

Over 90 percent of LEP students speak Spanish. The next three most common native languages are Vietnamese, Chinese, and Korean.

the eligibility of LEP students for participation in the statewide assessment program and identifying the appropriate alternative assessment for students who are exempted from the TAAS. Alternative assessments must be selected from a list of commercial instruments approved by the Texas Education Agency (TEA). The Texas Education Agency receives aggregate information concerning the number of students at each grade level who are administered each form of alternative assessment, and the number demonstrating improvement in reading, writing, and mathematics.

The responsibilities of the LPAC are set out in statute (TEC §§29.051-29.064) and the commissioner's state plan for educating LEP students (19 TAC §§89.1201-89.1265). Also covered are criteria for identification of LEP students, district responsibilities for providing bilingual education and English as a second language (ESL) programs, and criteria for exiting students from programs. Students in bilingual education programs receive instruction in both English and their native language.

Table 2.
Special Education Enrollment Trends

School Year	Special Education Students	Percent of Total Students
1996-97	451,764	12
1995-96	429,115	12
1994-95	408,031	11
1993-94	385,126	11
1992-93	365,292	10
1991-92	340,919	10
1981-82	243,215	8

Source: TEA PEIMS 1991-92 – 1996-97; TEA Fall Survey 1981-82.

Special education enrollment trends show consistent growth in students served.

The programs are designed to ensure that students master the content of the essential elements in their first language while learning English. Districts are required to offer bilingual education programs at the elementary grades if 20 or more students in any language group are enrolled in the same grade.

English as a second language programs are intensive programs of instruction designed to develop student proficiency in English and in content areas using second language methodologies. These programs are generally offered under the following circumstances: when there are too few students with the same language enrolled at the same grade level to offer a bilingual program; for students in the higher grades; and where there are not sufficient numbers of teachers at the school fluent in the native language of the students.

About half of Spanish-speaking LEP students (53 percent) are enrolled in bilingual education programs. Students with native languages other than Spanish are more likely to be served in ESL programs; 17 percent are not served in either bilingual education or ESL programs. Older students are more likely to be served in ESL programs regardless of their native language.

Students with Disabilities

There were 451,764 students in Texas public schools receiving special education services in 1996-97. As Table 2 shows, students receiving special education services increased by 33 percent from 1991-92 to 1996-97, and now make up 12 percent of all students. Total enrollment increased by 11 percent during the same period. Peak enrollment of students with disabilities is in the upper elementary grades (and at Grade 9 where enrollment increases for all students due to retentions), as illustrated by Figure 2.

Students identified as learning disabled account for over half of students receiving special education services from Grade 4 on and over two-thirds of students from Grade 6 on. About one-fourth of students receiving special education services have speech handicaps, a condition that is addressed for most students by the time they leave elementary school.

As with past statewide testing programs, Texas statute specifically allows for exemption of students receiving special education services from taking the TAAS (TEC §39.027). Beginning in 1996-97, students with disabilities exempt from the TAAS must be administered an alternative assessment. The Texas Education Agency does not provide a list of approved tests from which districts must select an alternative assessment, and performance results from these alternative assessments are not reported to the agency. Under SBOE rules implementing the assessment program, the local admission, review, and dismissal (ARD) committee determines whether a student receiving special education services will participate in the TAAS or an alternative assessment and specifies any modifications or accommodations to be provided during testing (19 TAC §101.3). Students may take one or more TAAS subject tests, or none, depending on the determination of the ARD committee. This information must be documented in the student's individual education plan (IEP). Modifications or accommodations of regular classroom procedures that are provided for a student are permitted during testing, unless those accommodations would invalidate the test results (19 TAC §89.1055).

Accountability System

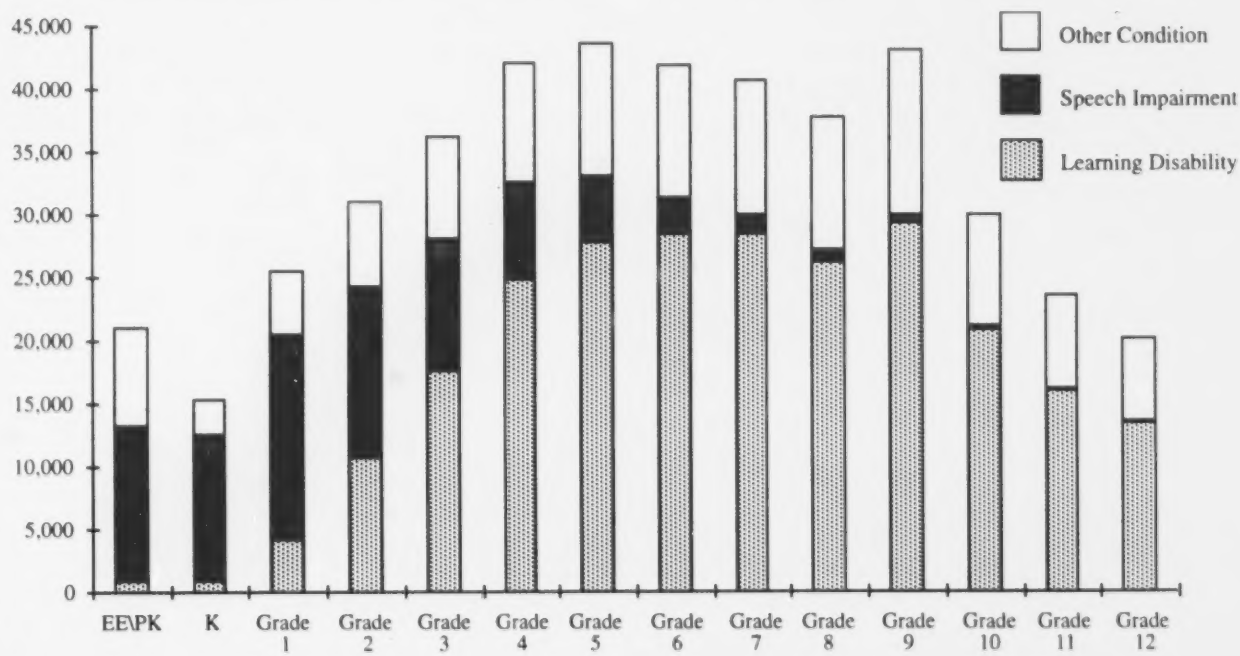
The AEIS serves as the basis of an integrated accountability system that includes a mechanism for rating campuses and accrediting school

districts, as well as for reporting performance results to districts, schools, and parents. As Table 3 on page 6 illustrates, data collected from school districts through the Public Education Information Management System (PEIMS) or provided by test contractors are compiled for each school year. These AEIS data are the primary source for accountability evaluations and reports. Besides profile information, AEIS reports include various performance indicators, which measure the educational progress of campuses and districts. Since 1994, the accountability system has distinguished between three types of performance indicators: *base*, *additional*, and *report-only*. (For a detailed description of components of the AEIS see TEA (1997) *Accountability Manual*.) *Base* indicators (TAAS performance, dropout rates, and attendance rates) are used to determine district accreditation status and campus performance ratings. The TAAS performance indicator — the percentage of students passing each test (reading, writing, and mathematics) summed across grades — is evaluated for individual student groups (African American, Hispanic, white, and economically disadvantaged), as well as for all students tested.

Additional indicators, although measured against standards, do not affect accountability ratings. Instead, districts and campuses may receive acknowledgment for high levels of performance on these indicators. *Report-only* indicators are included in AEIS reports, but standards for these indicators are not set. The AEIS reports also include profile data, such as student and teacher demographic information, that provide a context for interpreting the performance data.

Typically, when a new *base* or *additional* indicator is added to the AEIS, it is phased in over 3 years. In the first year, data are collected and reported to establish benchmarks, which are then used to set standards for the future. For the next 2 years, the data are reported back to school districts and campuses to provide opportunities for familiarization with the indicator, for refinements that may need to occur, and for advance local planning. In the fourth year, the indicator is used for ratings or acknowledgment.

Figure 2.
Students Receiving Special Education Services by Grade and Disability, 1996-97 School Year



Source: TEA PEIMS 1996-97.

Learning disabilities and speech handicaps are the two most common disabilities of students receiving special education services. Other conditions include emotional disturbances, mental retardation, auditory and visual impairments, orthopedic impairments, and autism.

For each district and campus rating level, standards for performance on the *base* indicators are also being phased in over time. For example, the standard on the TAAS indicator for a campus rating of *Acceptable* or a district rating of *Academically Acceptable* increases from 25 percent of students passing for the 1994 ratings to 50 percent passing in the year 2000. This schedule allows districts and schools time to anticipate and prepare to meet the performance standards needed to earn ratings at each level.

Including Test Results in the AEIS

In the spring of 1996, there were 1,996,632 students enrolled in Texas public schools in grades at which the TAAS is administered. As Figure 3 shows, test results for about 74 percent of these students were used to rate campuses and accredit districts. The other 518,018 students were exempted from participating in the TAAS or were tested but their results not used in the accountability rating system. Policies guiding the exemption of students with disabilities and LEP students from the TAAS in 1995-96 were discussed in the last section. This section focuses on the 309,524 students whose test results are excluded from the accountability rating system for policy reasons. Also included at the end of the section is a description of campuses that are not rated, the optional evaluation system for alternative education campuses, and campuses that receive ratings but are not included in district ratings.

Mobile Students

Districts have limited opportunity to influence the learning of students who move into the district late in the school year. For this reason, TAAS results used in the accountability rating system and AEIS reports are computed only for that subset of students who are enrolled in the district by the last Friday in October of the school year. This avoids placing districts with high in-mobility at an unfair disadvantage by holding all districts and campuses accountable for only those students who were enrolled in the district for most of the school year.

The October date chosen for this purpose is the PEIMS fall data collection "as of" date for statewide enrollment reporting, which is always the last Friday in October. The October accountability subset is based on enrollment in the district rather than the campus. Students who change campuses within the same district are included in the accountability rating system and AEIS reports.

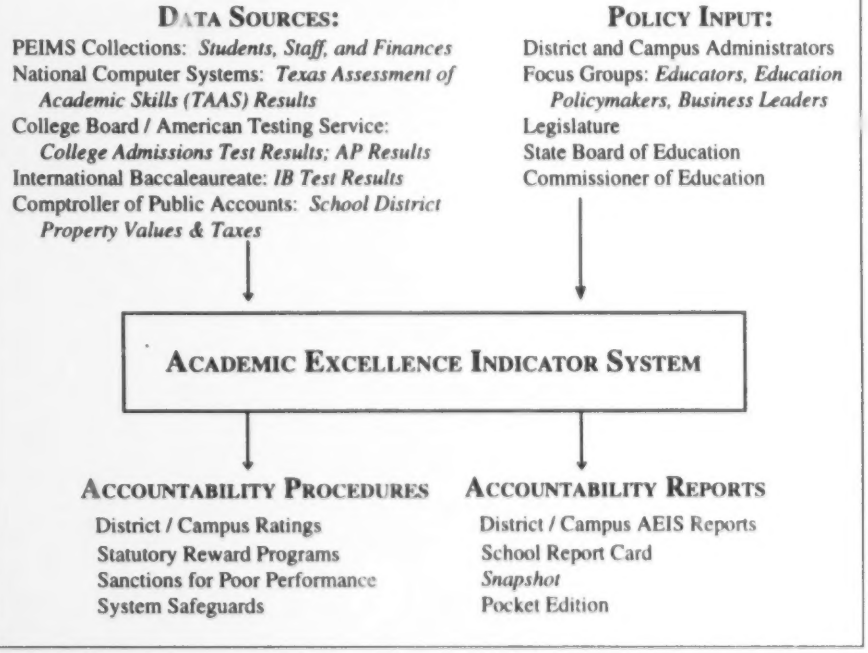
The TAAS results of 123,156 students were excluded from the accountability rating system in 1996 because the students moved into the district in which they were tested after the October cutoff date. As Figure 3 shows, mobile students who are excluded from the accountability subset of test results represent about 6 percent of students enrolled in the grades tested. TAAS results for all students are reported by the test contractor to the school and district where they were tested.

LEP Students

Test results for LEP students who are enrolled in the district by the end of October and take the English TAAS are included in the accountability rating system. Results for LEP students are included in the *base* TAAS indicator; the English TAAS results are not disaggregated based on native language or level of English proficiency.

The Spanish TAAS reading and mathematics tests were administered statewide at Grades 3 and 4 in spring 1996, and benchmark results were provided to districts by the test contractor. The Spanish version of the Grade 4 writing test and Grades 5 and

Table 3.
Academic Excellence Indicator System (AEIS)


DATA SOURCES:
PEIMS Collections: Students, Staff, and Finances
National Computer Systems: Texas Assessment of Academic Skills (TAAS) Results
College Board / American Testing Service: College Admissions Test Results; AP Results
International Baccaleaureate: IB Test Results
Comptroller of Public Accounts: School District Property Values & Taxes
POLICY INPUT:
District and Campus Administrators
Focus Groups: Educators, Education Policymakers, Business Leaders
Legislature
State Board of Education
Commissioner of Education
ACADEMIC EXCELLENCE INDICATOR SYSTEM
ACCOUNTABILITY PROCEDURES
District / Campus Ratings
Statutory Reward Programs
Sanctions for Poor Performance
System Safeguards
ACCOUNTABILITY REPORTS
District / Campus AEIS Reports
School Report Card
Snapshot
Pocket Edition

6 reading and mathematics tests will be administered statewide in 1996-97, and benchmark results provided to districts by the test contractor. Spanish Grade 3 and 4 results for 1996-97 will be reported in the 1996-97 AEIS reports. Aggregate TAAS results for all students tested (including Spanish TAAS results) will be previewed in the 1996-97 AEIS reports. Decisions regarding use of the Spanish TAAS in the accountability rating system have not been finalized. Performance on the alternative assessments required for LEP students exempt from the TAAS is not included in the accountability rating system because there is not a consistent basis on which to compare results of the different tests.

The Spanish TAAS results of 32,196 students were excluded from the accountability rating system in 1996. As Figure 3 shows, this represents almost 2 percent of the students enrolled in the grades tested. More than twice that many LEP students in Grades 3-8 and 10 (65,231) did not take either the English or Spanish TAAS. Over 97,000 LEP students took the English TAAS, and results for 83,590 were included in the *base* TAAS indicator used to rate campuses and accredit districts.

Table 4 on page 8 summarizes how data on LEP students are included in the AEIS. The performance of LEP students is not reported as a separate student group. In addition to English TAAS results, LEP students are included in the dropout rate and attendance rate *base* indicators. They are also included in all of the *additional* indicators if they participate in the programs or tests on which the measures are based. The percentage of LEP students exempted from the TAAS is a *report-only* indicator, and LEP students are included in all other *report-only* indicators if they participate in the applicable courses or tests. Profile data reported on the campus and district AEIS reports also include the number and percentage of LEP students enrolled for the current school year. Program information on bilingual/ESL programs reported in the AEIS reports includes participation, staffing, and budget data.

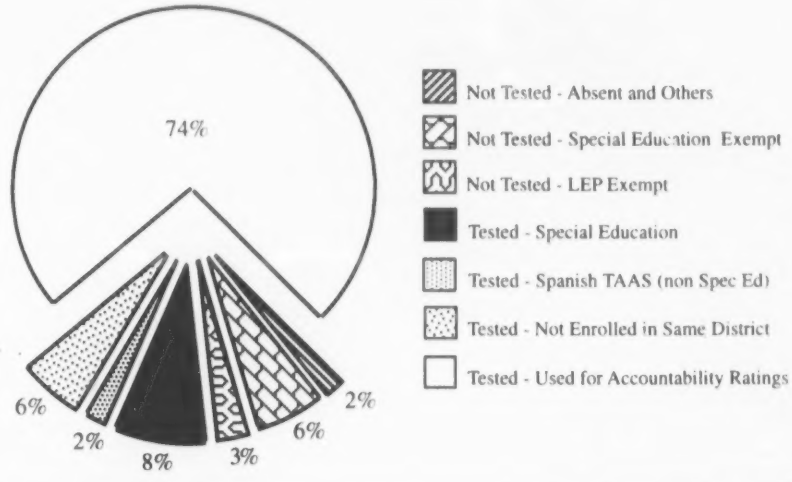
The percentage of LEP students enrolled is also one of the variables used to assign campuses to demographic comparison groups. Performance and profile data for the campus comparison group are included on each campus AEIS report, and the comparison groups are an integral part of the Comparable Improvement component of the accountability system. (Campus comparison groups and Comparable Improvement are described in detail in TEA (1997) *Accountability Manual*.)

Students with Disabilities

TAAS results for students in special education programs are not included in the accountability rating system; however, students receiving special education services are included in the dropout rate and attendance rate *base* indicators. Separate results for students receiving special education services are reported in the AEIS campus and district reports for all *base* and *additional* indicators for which they are available, along with the percentage of students exempted from the TAAS by the ARD committee. Performance on the alternative assessments is not included in the AEIS because there is no consistent basis on which to compare results of different tests. Profile information on students receiving special education services presented in the AEIS reports also includes retention rates by grade and number of graduates. Program information includes participation, staffing, and budget data. Beginning with the 1996-97 AEIS reports, aggregate TAAS results for all students tested (including students with disabilities) will be previewed.

In 1996, there were 109,999 students with disabilities exempt from the

Figure 3.
1996 TAAS and Accountability Exclusions



Source: TEA PEIMS 1995-96; TAAS 1995-96 Spring, Year-round, and Spanish Tests.

About 11 percent of students in grades tested did not participate in the 1995-96 administration of the TAAS; 16 percent of students were tested but not included in the accountability rating system for policy reasons.

Table 4.
Students Receiving Special Education Services and LEP Students in 1996-97 AEIS Performance Ratings and Reports

Included in district accreditation and campus performance ratings and additional acknowledgments (all students and each student group)?

	LEP	Special Education
Base Indicators		
TAAS reading / mathematics, Gr. 3-8, 10	Yes, if tested in English	No
TAAS writing, Gr. 4, 8, 10	Yes, if tested in English	No
Annual Dropout Rate	Yes	Yes
Attendance Rate	Yes	Yes
Additional Indicators		
College Admissions Testing		
— Number of Examinees	Yes	Yes
— Number of Graduates	Yes	No
TAAS / TASP Equivalency	Yes	No

Reported as a separate group on AEIS?

	LEP	Special Education
Base Indicators		
TAAS reading / mathematics, Gr. 3-8, 10	No	Yes
TAAS writing, Gr. 4, 8, 10	No	Yes
Annual Dropout Rate	No	Yes
Attendance Rate	No	Yes
Additional Indicators		
College Admissions Testing		
— Number of Examinees	No	No
— Number of Graduates	No	No
TAAS / TASP Equivalency	No	No
Report Only Indicators		
TAAS science / social studies, Gr. 8	No	Yes
TAAS end-of-course exams	No	Yes
TAAS reading / mathematics (Spanish), Gr. 3-6	Yes	No
TAAS writing (Spanish), Gr. 4	Yes	No
TAAS Cumulative Exit-level Passing Rate	No	Yes
TAAS Exemptions		
— LEP	Yes	—
— ARD	—	Yes
Advanced Academic Courses	No	Yes
Advanced Placement Exams	No	No
AEIS Profile Data*		
Retention Rates	No	Yes
Graduates	No	Yes
LEP Enrollment	Yes	
Bilingual / ESL Program Information		
— Enrollment	Yes	
— Teachers	Yes	
— Expenditures	Yes	
Special Education Program Information		
— Enrollment		Yes
— Teachers		Yes
— Expenditures		Yes

* Students receiving special education services and LEP students are included in profile data reported for all students on the AEIS district and campus reports. This table reflects profile data reported for students receiving special education services and LEP students as separate groups.

TAAS, and 154,172 who took the test but were not included in the *base* TAAS indicator used to rate campuses and accredit districts. Together this accounts for almost 14 percent of all students enrolled in the grades tested.

Campuses Not Rated or Not Included in District Ratings

Most campuses receive accountability ratings, and their students are included in the data used to accredit the district in which they are located. Exceptions to this rule are made for two reasons: (1) the campus does not have data on which it can be rated; or (2) including the campus data in the district rating would result in inequitable district evaluations. Following is a brief discussion of some of the situations in which campuses are not rated or their data are not included in the district rating.

No Campus Rating

Prekindergarten/Kindergarten Campuses. The AEIS indicators are based on data for students in Grades 1-12, the grades covered by the state compulsory attendance law. Consequently, campuses that enroll only prekindergarten and kindergarten students do not have data on which to be rated, nor do they have any data included in the district rating. (Campuses with higher grades that have no TAAS data, such as ninth grade centers, are paired with a campus with whom they have a feeder relationship for rating purposes.)

Special Education Campuses. As discussed above, TAAS results used to accredit districts and rate campuses do

Performance of LEP students is included in results for all base, additional, and report-only indicators in which they participate. Performance of students receiving special education services is typically not included in results for all students but is reported separately.

not include performance of students receiving special education services.

For this reason, campuses that enroll only students receiving special education services do not have sufficient data on which to be rated. Attendance and dropout data from special education campuses are included in the district ratings for the districts in which the campuses are located.

Campuses Opening Midyear. Campuses opening midyear are not rated the year they open. In practice, this means that an accountability rating is issued only for campuses that have students enrolled by the last Friday in October, as reported in the PEIMS fall enrollment data collection. Data for students on campuses opening midyear are included in the district ratings.

Juvenile Justice Alternative Education Programs. Juvenile justice alternative education programs (JJAEP) have been created to provide educational services to students who have been expelled from school for committing serious offenses on school property or at school-sponsored or school-related events, and found by the juvenile court to have engaged in delinquent conduct (TEC §37.011). Statute requires that students enrolled in the programs be reported as if they were at the sending campuses. The performance results of students served in JJAEPs are included in campus and district accreditation ratings for the sending campus and district. JJAEPs do not receive a separate campus accountability rating under the standard accountability system. They may request to receive a rating under the optional evaluation procedures for alternative education campuses, but are not required to do so.

Optional Evaluation for Alternative Education Campuses

Alternative education campuses have been established to provide specialized programs for dropouts, students at risk of school failure or dropping out, pregnant and parenting students, and students who have been removed from the regular campus for disciplinary reasons. Because the nature of the populations attending alternative campuses often works against the ratings such campuses can earn in the accountability rating system, these schools are given two options. They may opt to be assessed either under the standard criteria for accountability ratings or under different criteria developed specifically for alternative education schools.

Under the optional procedures, the alternative campuses participate in selecting the indicators on which they will be rated. The campuses must choose at least one academic achievement indicator appropriate to the student population in attendance, as well as other performance indicators upon which they can be rated. Beginning with the 1997 ratings, campuses rated under the alternative accountability procedures will be notified of their ratings concurrent with those evaluated under the standard accountability system. The standard *base* indicator data for campuses rated under the optional evaluation procedures are included in the district accreditation rating, with one exception: alternative education programs that serve students from multiple districts through shared services arrangements.

Non-Traditional Campuses That Receive Ratings

Multidistrict Shared Services Arrangements. Under the standard accountability system, performance results for students served through multidistrict shared services arrangements are attributed to the district in which the school is located, even if some of those students come from other districts. Campuses operating under shared services arrangements receive a campus rating, and student performance is included in the evaluation to determine the district accreditation rating for the district in which they are located. The exception, as noted above, is alternative education multidistrict shared services arrangements. These schools receive campus ratings through either the standard accountability system or optional procedures. However, to avoid penalizing districts in which alternative education schools operated by shared services arrangements are located, the performance of students at those schools is not included in the district rating.

Privately Operated Residential Treatment Facilities. Because privately operated residential treatment facilities can accept students from outside the district in which they are located, they are treated like alternative education multidistrict shared services arrangements for accountability rating purposes. Performance results under either the standard accountability rating system or optional evaluation procedures for alternative campuses are used to determine a campus rating. However, if the school is evaluated under the optional procedures then results are not included in the district rating for the district in which the facility is located.

Charter Schools. The SBOE has authorized 20 open-enrollment charter schools, most of which are in operation for the 1996-97 school year. Those with students enrolled by the end of October will be rated under the standard accountability rating system, unless they have applied for evaluation under the optional procedures. However, since these schools are not part of any district, their performance results will not be included in the results of the district in which they are geographically located.

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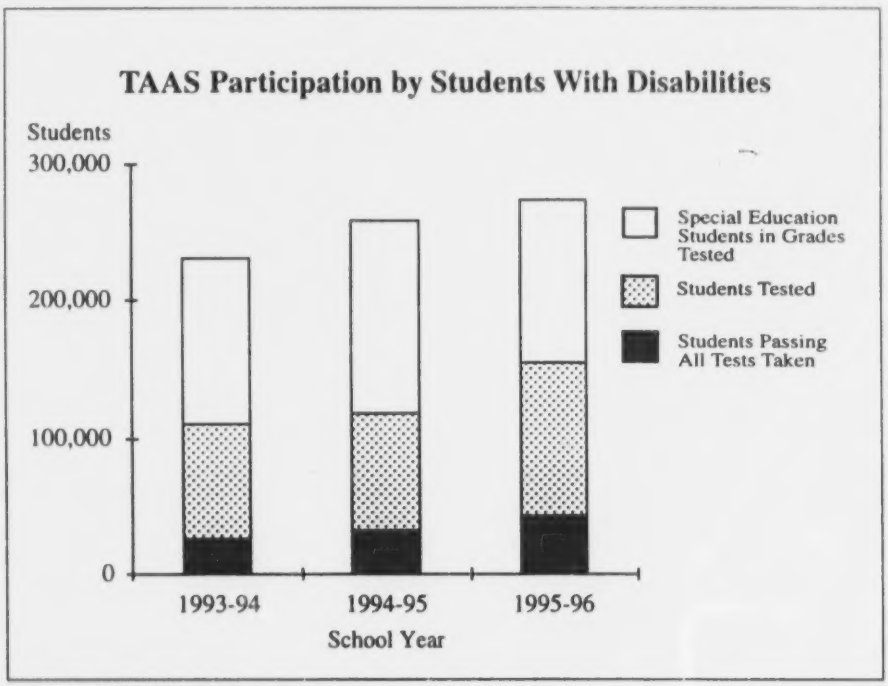
TAAS Participation and Performance

Texas Assessment of Academic Skills (TAAS) results for students receiving special education services are not included in the performance indicators used to rate campuses and accredit school districts, and results are reported separately in AEIS reports. This practice was established to provide districts an incentive to include more students with disabilities in the statewide assessment program, which is associated with high expectations for students. It may also provide an inadvertent incentive to identify students to receive special education services and may partially explain recent growth in special education programs. However, enrollment in special education programs has been growing for at least 15 years, not just the past three.

In 1995-96, about 56 percent of students receiving special education services took at least one TAAS test (reading, writing, or mathematics), a noticeable increase from 46 percent the prior year. TAAS exemptions reported on the AEIS reports for the first time in 1995-96 were intended to provide districts and campuses with a further incentive to include students in the statewide assessment program. Also, for the first time following administration of the 1994-95 TAAS, the tests were released to comply with a new state law, which may have provided districts and campuses with better information on which to base exemption decisions.

Exemptions vary by subject. Mathematics has the fewest exemptions, with 58 percent of students tested. Some accommodations, such as oral administration, are allowed on mathematics that would invalidate other tests.

Overall performance on the TAAS by students receiving special education services did not change from 1994-95 to 1995-96, with 28 percent of students passing all tests taken in both years. Performance on the reading and writing tests declined slightly, from 47 to 44 percent passing reading and 45 to 43 percent passing writing. Lower scores are sometimes



Source: TAAS 1995-96 Spring and Year-round Tests.

# of Students With Disabilities

associated with an increase in the number of students tested because more students of varying abilities are tested. Performance on the mathematics test improved from 34 percent passing in 1994-95 to 37 percent in 1995-96. Statewide, there were higher gains on the mathematics test for nondisabled students as well. Performance of students with disabilities is considerably lower than that of their nondisabled peers on all tests.

It has been proposed that TAAS results for students receiving special education services be included in the *base* indicators used to rate campuses and accredit districts. Based on analysis of 1995-96 TAAS results for special education participants enrolled as of the last Friday in October, ratings of 789 campuses would have been lowered by including results of students receiving special education services, and ratings of 19 campuses would have been raised. Campuses with *Recognized* and *Exemplary* ratings are most adversely affected by including TAAS results of special education participants. The small range of performance for these rating levels allows less room for declines before the rating is lowered than is the case for campuses with *Acceptable* ratings. Also, *Exemplary* and *Recognized* campuses as a group test larger percentages of their students with disabilities. The number of campuses rated *Low Performing* would have increased in 1996 from 119 to 150, and the number of districts rated *Academically Unacceptable* would have increased from 11 to 13.

1995-96 TAAS Performance

	Percent Passing	
	Special Education Participants	Special Education Non-Participants
Reading	44	80
Writing	43	83
Mathematics	37	74
All Tests Taken	28	67

Source: TAAS 1995-96 Spring and Year-round Tests.

1996 Accountability Ratings

	1996 Actual*	With Special Education Participants	Change	Ratings Lowered	Ratings Raised
Campus Rating					
Exemplary	394	218	–176	179	—
Recognized	1,299	885	–414	578	3
Acceptable	4,125	4,684	559	32	15
Low-performing	119	150	31	—	1
	5,937			789	19
District Rating					
Exemplary	37	16	–21	21	—
Recognized	209	96	–113	129	0
Academically Acceptable	787	919	132	2	1
Academically Unacceptable	11	13	2	—	0
	1,044			152	1

Source: TEA AEIS 1996; TAAS 1995-96 Spring and Year-round Tests.
* 1996 ratings before appeals.

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Compliance Monitoring

Although TAAS performance of students with disabilities and many LEP students is not included in the accountability rating system, the programs in which they are served are reviewed under a separate compliance monitoring system. Statute requires TEA to conduct on-site compliance monitoring visits of special education and bilingual/ESL programs, as well as financial audits of the special program allotments under the state foundation school program funding formulas. The district effectiveness and compliance (DEC) monitoring system employs a peer review process and combines state and federal monitoring requirements for special education, bilingual/ESL, and other state and federally funded programs. Campus-level staff from the district are included in the monitoring visit; however, the DEC is a district-level monitoring system.

Comprehensive program reviews (rather than separate reviews for each special program) incorporate quality and effectiveness indicators as well as compliance factors. Although monitors review special program performance data before each visit, student performance on the TAAS or alternative assessments is not among the areas required by law to be covered through compliance monitoring.

Including More Students in the Assessment and Accountability Systems

Statute requires the commissioner of education to develop and propose an assessment system for students receiving special education services and LEP students currently exempt from the TAAS and, by 1998-99, to include the performance of those students in the AEIS. Neither the nature of the assessment system nor how results are to be included in the AEIS are currently specified in law. In December 1996, the commissioner submitted reports to the legislature outlining proposals to include more students with disabilities and LEP students in the statewide assessment program and integrate those assessment results into the AEIS. The proposals, which are currently under review, include the following elements.

LEP Students

- Include students in the English TAAS based on the number of years they have received instruction in U.S. schools (rather than number of TAAS administrations) and type of special language services they are receiving.
  — For students receiving instruction in Spanish, those entering U.S. schools by Grade 2 would be required to take the English TAAS after four years of instruction; those entering in Grade 3 or later would be required to take the English TAAS after three years of instruction.
  — All other LEP students would be required to take the English TAAS after two years of instruction.

- Require each student receiving instruction in Spanish who does not take the English TAAS to take the Spanish TAAS if the test is offered at the student's grade level.

- Revise district and campus rating criteria to include Spanish TAAS results.

- Introduce a new statewide reading proficiency test in English (RPTE). All LEP students who do not take the English TAAS would be administered the RPTE to monitor their growth in English proficiency.

- Report RPTE results on the district and campus AEIS reports.

Students with Disabilities

- Require ARD committees to specify how students with disabilities will participate in a revised assessment program.
  — Require that students participate in TAAS or end-of-course examinations if they are receiving on-grade-level instruction based on the essential elements in the subject tested. Accommodations routinely used in classroom instruction would be allowable and would be provided during testing.
  — Introduce a standardized multi-grade level alternative assessment for students receiving instruction in the essential elements that is not on grade level.
  — Continue to study the feasibility of developing an assessment based on curriculum domains appropriate for students not receiving instruction in the essential elements at any grade level.

- Revise district and campus rating criteria to include the results of students receiving special education services tested on TAAS.

- Report on AEIS:
  — combined TAAS performance results for students with disabilities and nondisabled students in campus, district, and state reports;
  — the percentage of students receiving special education services tested on TAAS/end-of-course assessments; and
  — the performance results of students with disabilities taking alternative assessments.

- Widely disseminate a comprehensive list of allowable test modifications for students with disabilities and train educators to use them.

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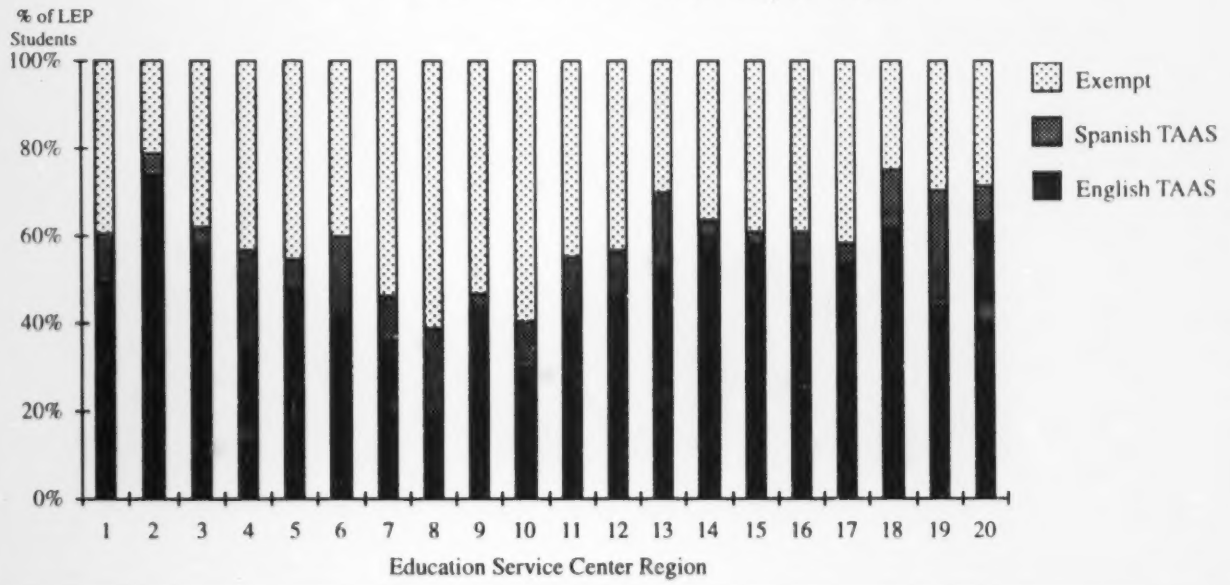
TAAS Participation and Performance by Students of Limited English Proficiency

In 1995-96, about 44 percent of LEP students took the English TAAS. An additional 15 percent of students took the Spanish TAAS, which was administered at Grades 3-6 as part of either the field test or benchmark administration in 1995-96. Texas Assessment of Academic Skills (TAAS) participation patterns vary considerably, even among the regions with the largest LEP populations. Fewer than 30 percent of LEP students were exempt from both the English and Spanish TAAS in the El Paso region (Region 19) and San Antonio region (Region 20). However, the majority of LEP students tested in the San Antonio region took the English test, while 27 percent of LEP students in the El Paso region took the Spanish test. In contrast, almost 60 percent of students in the Richardson region (Region 10) were exempt from both tests. These differences may reflect variation in the native languages of LEP students and the types of programs that are offered in the districts, as well as local test administration practices.

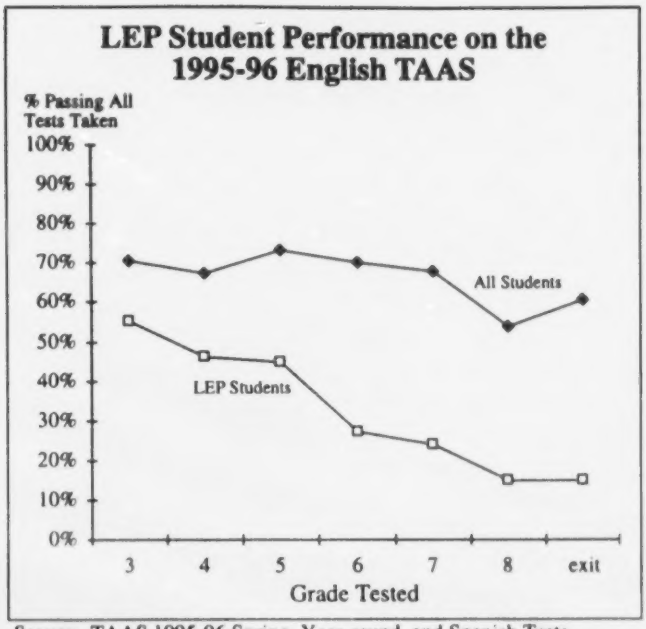
Performance of LEP students on the English TAAS is lower than that of the state as a whole, with a noticeable drop in performance at Grade 6. Under current SBOE rules, students can be exempt from up to three administrations of the TAAS. Therefore, Grade 6 may be the first year many LEP students participate in TAAS. Analyzing the TAAS performance of LEP students is difficult because, once students achieve proficiency in English, they are exited from the bilingual education or ESL programs and no longer identified by districts as LEP. Consequently, test results represent only those students taking the English TAAS who are not performing well enough to exit bilingual or ESL programs.

The passing standards for the Spanish TAAS Grades 3 and 4 reading and mathematics tests were set at 70 percent, based on 1995-96 benchmark data. The Spanish TAAS for Grade 4 writing and Grades 5 and 6 reading and mathematics were field tested in 1995-96;

LEP Student TAAS Participation by Region



Source: TAAS 1995-96 Spring, Year-round, and Spanish Tests.



Source: TAAS 1995-96 Spring, Year-round, and Spanish Tests.

LEP Student Performance (Percent Passing), 1995-96 Spanish TAAS

	Possible Passing Standards			
	60%	65%	70%	75%
Reading				
Grade 3	—	—	**44**	—
Grade 4	—	—	**33**	—
Grade 5	47	38	**29**	20
Grade 6	28	20	**13**	8
Mathematics				
Grade 3	—	—	**42**	—
Grade 4	—	—	**33**	—
Grade 5	37	31	**23**	18
Grade 6	**34**	26	**18**	14

Source: TAAS 1995-96 Spanish Tests, Grades 3-4 Benchmark Results and Grades 5-6 Field Test Results.

standards will be set following the 1996-97 administration. Spanish TAAS results are lower than the English TAAS results for LEP students at a 70 percent passing standard, which is the passing standard for the English TAAS.

It has been proposed that Spanish TAAS results be included in the *base* AEIS indicators used to rate campuses and accredit districts. Based on analysis of 1995-96 Grades 3 and 4 reading and mathematics Spanish TAAS results for all students not receiving special education services, 1996 ratings of 136 campuses would have been lowered by including Spanish TAAS results, and the rating of one campus would have been raised. The number of campuses rated *Low-performing* would have increased from 119 to 127. Needless to say, elementary campuses would be most adversely affected by this change. Ratings of four districts would have been lowered. Including results for Grade 4 writing and Grades 5 and 6 reading and mathematics could be expected to further impact the accountability rating system.

1996 Accountability Ratings

	1996 Actual*	With Gr. 3-4 Spanish TAAS	Change	Ratings Lowered	Ratings Raised
Campus Rating					
Exemplary	394	371	-23	23	—
Recognized	1,299	1,207	-92	106	0
Acceptable	4,125	4,232	107	7	1
Low-performing	119	127	8	—	0
	5,937			136	1
District Rating					
Exemplary	37	37	0	0	—
Recognized	209	205	-4	4	0
Academically Acceptable	787	791	4	0	0
Academically Unacceptable	11	11	0	—	0
	1,044			4	0

Source: TEA AEIS 1996; TAAS 1995-96 Spring, Year-round, and Spanish Tests.
* 1996 ratings before appeals.

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Commissioner's Proposals

The commissioner's proposals would achieve the goals of including all LEP students in the statewide assessment program, and of including all students with disabilities who are receiving instruction in the essential elements while TEA explores the feasibility of standardized tests for students not receiving such instruction. The TAAS results for more LEP students and many students with disabilities would be included in the accountability rating system.

A number of considerations must be explored before these proposals could be implemented, including the need for more data on the impact of the recommendations, availability of funding for test development, and application of statute regarding public release of test items for the proposed new assessments. In the meantime, these proposals will be reviewed by educators and policymakers in relation to a number of assessment and accountability issues. Following is a brief discussion of the major issues regarding expansion of AEIS. In addition, the commissioner is exploring options for integrating performance of as many campuses as possible that have been excluded from some part of the standard accountability system due to the special nature of their programs.

Current Issues

The issues discussed in the following sections are at the center of debates about expanding the statewide assessment program to test more students with disabilities and LEP students, and including more test results in the AEIS accountability rating system and performance reports. The issues are concerned with the three broad areas of appropriate testing of students, appropriate use of test results and impact on the accountability rating system, and data reporting needs in relation to school and district accountability.

Appropriate Testing of Students

Appropriate Testing of Students with Disabilities

Assessment in special education has traditionally been for eligibility for services rather than for performance and accountability. As this focus changes, two contradictory concerns are voiced repeatedly: the need to link assessment to classroom instruction and the possible unintended effects on classroom instruction if test results for students with disabilities are used in the accountability rating system. Under the commissioner's proposal, instruction in the essential elements of the curriculum is the key factor in determining if students receiving special education services will be required to take the TAAS and be included in the accountability rating system. This recommendation links assessment directly with classroom instruction, with the goal of improving educational results for students with disabilities.

TAAS participation by students receiving special education services has increased in recent years. However, including TAAS results in the accountability rating system could reverse this trend. If instruction in the essential elements is a key factor in determining TAAS participation, there are concerns that reduced TAAS participation could be achieved by teaching the essential elements to fewer students with disabilities. Other factors on which this decision could be based include the student's disability category, the amount of time spent in special education instructional settings, the instructional arrangement, the student's reading level, behavioral considerations, or results of a standardized pretest or developmental skills pretest. Each of these factors has shortcomings as a possible key for determining TAAS participation of students with disabilities.

Beginning in 1996-97, districts are required for the first time to administer a locally selected alternative assessment to students with disabilities who do not participate in the TAAS. Any standardized statewide alternative assessment for students who are receiving instruction in the essential elements, but not at grade level, would need to meet the following criteria: (a) provide a good match between test items and the essential elements, (b) be appropriate for various instructional levels and grade levels, and (c) provide valid results with a variety of test modifications or accommodations. Recommendations that such an assessment be developed or purchased for use statewide meet with the argument that standardization is not possible due to the individualized nature of disabilities and classroom instruction. At the same time, individualized evaluations such as portfolios and performance-based processes are seen as cumbersome and subject to variability in implementation.

Two approaches to developing a standardized alternative assessment have been proposed. One suggestion is to develop a multigrade-level TAAS. Test development could require several years, but this alternative would assure a match between the content assessed and the essential elements. Alternatively, a commercially available test could be selected for statewide use. These tests have already been evaluated for reliability, validity, and psychometric soundness, and school districts are familiar with their use. However, they are not designed specifically to test the content of the essential elements and the level of match would have to be evaluated. With either approach to a standardized alternative assessment, there are questions regarding interpretation of the results and how they should be reported.

It is estimated that 5 to 10 percent of students with disabilities do not receive instruction in the essential elements at any grade level. These students with severe disabilities receive instruction in a functional or life skills curriculum. Performance goals are articulated in the IEP. Development of a standardized assessment for these students must be preceded by establishment of statewide goals and identification of appropriate curriculum domains.

Test Accommodations for Students with Disabilities

Braille and large-print versions of the TAAS and end-of-course examinations are made available to districts for testing students with visual impairments. Students may also use a magnifying glass, colored transparency, or place marker with the test. Students with disabilities may be allowed to use a variety of methods to record responses to test items, including handwriting, typewriting, computer keyboard entry, verbal response, and marking responses in the test booklet rather than the answer sheet. Students with disabilities may receive an individual administration of the test, and the test administrator may read aloud the mathematics, social studies, and science test questions. Districts may contact TEA about accommodations not addressed in the testing manuals. The primary determinant for use of an accommodation is whether it would invalidate test results. Test accommodations for students with disabilities are determined based on accommodations the student routinely receives in classroom instruction (as identified by the ARD), the needs of the student, and accommodations allowed for the test.

The commissioner's proposal recommends providing districts with more comprehensive information about test accommodations and training educators to use them. The recommendation focuses on clarifying and disseminating information about current policy. By promoting wider use of allowable accommodations, it is argued, not only will participation increase but student performance will also improve. This proposal preserves the primary role of the ARD committee in identifying classroom and test accommodations based on individual student needs, and strengthens the link between assessment, the IEP, and classroom instruction.

Preparation of LEP Students for the English TAAS

There is debate about the amount of preparation needed by LEP students before it is appropriate for them to take the English TAAS. Allowing three years in a Texas public school to learn English may be sufficient for most students. However, for older students entering Texas public schools who are non-literate in their native languages, three years may not be sufficient time to master the essential elements of the curriculum in English.

The commissioner's proposal would modify current procedures by basing assessment decisions in part on the type of instructional program the student is receiving. Students receiving instruction in Spanish would not take the English TAAS for up to three or four years. All other students (including all students with native languages other than Spanish) would be required to take the English TAAS after two years of instruction, regardless of when they enter school.

There is concern that this proposal establishes different expectations for students based on their native language. Availability of the Spanish TAAS provides an option for including performance of Spanish-speaking students in the assessment and accountability rating systems before they achieve English proficiency. Currently there is not a sufficient mechanism in place or being developed to hold campuses and districts accountable for the performance of students with native languages other than Spanish in special language programs.

Ninety percent of those with native languages other than Spanish are in either ESL programs, which are intensive programs to develop English proficiency, or are not receiving special language services. In both cases, two years of instruction before taking the English TAAS would be consistent with the time allowed under the commissioner's proposal for Spanish-speaking students who do not participate in the Spanish TAAS. The inequity exists for the few remaining students with native languages other than Spanish who are receiving instruction in their native language, but must take the English TAAS after two years of instruction under this proposal. Although they represent less than 1 percent of all LEP students, this inherent inequity could result in unintended changes in those programs.

One alternative accountability measure might be presented by the proposed RPTE, which would be administered to all LEP students who do not take the English TAAS. Gains on a RPTE would reflect progress toward the goal of English reading proficiency, an appropriate goal for all LEP students regardless of native language or type of special program in which they are participating. How gains would be evaluated as an indicator, and whether gains could be compared across programs and grade levels would have to be determined.

Test Accommodations for LEP Students. For some LEP students, especially those taking the English TAAS for the first time, accommodations to the way the test is administered may be appropriate. State Board of Education rules permit test accom-

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Student Mobility

In 1995-96, there were 123,156 students who moved into the district in which they took the TAAS after the last Friday in October of the school year. Test results for these students are neither included in the AEIS *base* indicators used to rate campuses and accredit districts nor reported on AEIS reports. Mobile students who are excluded from the accountability subset of test results represent about 6 percent of students in grades tested.

Districts and campuses vary from no students excluded from the accountability subset to as many as one-third of students excluded. However, the variation is not consistently associated with any set of district or campus characteristics. Not unexpectedly, special districts, which include districts on military bases, have a higher than average percentage (9 percent) of students excluded from the accountability subset, as do alternative education campuses (17 percent). Regionally, the percentage of students excluded from the accountability subset ranges from a low of 5 percent to a high of 7 percent.

A Study of Student Mobility in Texas Public Schools (TEA, 1997) reports that mobility rates are higher for economically disadvantaged students, students identified as being at risk of dropping out, and ethnic minority students. These are groups of students that historically demonstrate lower performance on the TAAS, regardless of their mobility. However, even after controlling for their previous test performance and socioeconomic status, mobile students performed worse on the TAAS than stable students. Furthermore, the performance gap between mobile and stable students is higher on campuses with high student turnover rates.

The same study found that the later in the school year students move, the lower their academic performance. It can be estimated that about 42 percent of the 123,156 students excluded from the accountability subset moved into the district after the start of the spring semester, and 19 percent moved into the district after the beginning of the fifth 6-week period.

Districts have little opportunity to influence the learning of students who move into the district late in the school year. Holding them accountable for the academic performance of these students might undermine the credibility of the rating system. On the other hand, it can be argued that the existence of a state-mandated curriculum supports interdistrict consistency in instruction for students transferring between Texas school districts.

Based on analysis of 1995-96 English TAAS results for non-special education mobile students, 1996 accountability ratings of 262 campuses would have been lowered by including these results, and ratings of 62 campuses would have been raised. The number of campuses rated *Low-performing* would have increased from 119 to 125. As a group, the campuses most adversely affected by this change are small campuses with few minority or disadvantaged students and high TAAS performance. They are most often located in fast growing suburban or rural districts with few economically disadvantaged students and high TAAS performance. Campuses with *Exemplary* and *Recognized* ratings are most adversely affected. Although 15 campuses would have had their 1996 ratings lowered from *Acceptable* to *Low-performing*, 9 campuses would have had their ratings raised from *Low-performing* to *Acceptable*. Two-thirds of the campuses whose ratings would have been raised moved from *Acceptable* to *Recognized*. The number of districts rated *Academically Unacceptable* would have increased from 11 to 12, and a total of 49 districts would have had their ratings lowered.

1996 Accountability Ratings

	1996 Actual*	With Excluded Students	Change	Ratings Lowered	Ratings Raised
Campus Rating					
Exemplary	394	335	-59	71	—
Recognized	1,299	1,222	-77	176	12
Acceptable	4,125	4,255	130	15	41
Low-performing	119	125	6	—	9
	5,937			262	62
District Rating					
Exemplary	37	26	-11	12	—
Recognized	209	193	-16	35	1
Academically Acceptable	787	813	26	2	8
Academically Unacceptable	11	12	1	—	1
	1,044			49	10

Source: TEA AEIS 1996; TAAS 1995-96 Spring, Year-round, and Spanish Tests.
* 1996 ratings before appeals.

Assessment of Students with Disabilities and LEP Students Nationally and in Other States

Examination of issues surrounding the assessment of students with disabilities and students of limited English proficiency (LEP) is taking place nationally and in many states, as well as in Texas. The National Center for Education Statistics (NCES) is exploring ways to increase participation of students with disabilities and LEP students in the National Assessment of Educational Progress (NAEP) as well as other major national data collection programs. This trend is also reflected in the authorization of Goals 2000: Educate America Act and Improving America's Schools Act, which calls for assessments that are meaningful, challenging, and appropriate for all students.

Interest in inclusion of students in assessment programs has grown in the current decade with the increased emphasis nationally and at the state level in the development of accountability systems to track educational progress. Accountability systems rely heavily, if not exclusively, on assessment programs. The primary concern nationally about exclusion of students from assessment programs is that the resulting indicators do not provide an accurate measure of educational performance or progress. At the same time, the appropriateness of state and national assessments for all students is questioned. The primary challenge is to preserve the validity and reliability of the tests, as well as the ability to analyze performance trends when there are changes in the way the tests are administered.

A central issue at the state level is not only whether students are tested, but also how those results are incorporated into accountability systems. Texas is one of few states that use an accountability system based primarily on assessment results to accredit districts. In contrast, some states do not even report aggregate results for districts or campuses from their statewide testing programs.

In 1996 the Council of Chief State School Officers reported results of a survey regarding systemic reform and LEP students. Of the 43 states responding, 35 exempt LEP students from statewide assessment, often basing the decision to test on the number of years the student has been in the United States or enrolled in a special language program. Eleven states have some assessment in languages other than English, but these tests are not part of statewide assessment programs.

Results of a similar survey on assessment of students with disabilities were published in 1995 by the National Center on Educational Outcomes. They found that 32 of the 42 states with statewide assessment programs emphasize the role of the IEP in assessment decisions for students with disabilities. Sixteen states also identify a role for parents. In 15 states assessment decisions are based in part on the category of disability or type of instructional program. Nine states permit partial testing, allowing students to take only part of the test as a way to increase participation by students with disabilities. Six states have standardized alternative assessments and four include out-of-level testing for students who are not receiving instruction on grade level. Reporting practices vary with states including none, some, or all students with disabilities in results reported.

The NAEP is a nationally standardized test administered at Grades 4, 8, and 12 to assess reading, writing, mathematics, and science. The NAEP criteria for excluding students with disabilities and LEP students from the tests rely primarily on state and local policy. For example, the IEP is typically used to determine whether a special education student will participate in the NAEP. Although test accommodations (including bilingual tests) are being field tested, none are currently available. Based on eligibility criteria currently in place, nationally 58 percent of Grade 4 students with disabilities and 61 percent of Grade 4 LEP students were included in the NAEP mathematics assessment in 1996.

Continued from Page 16

modations as long as they do not invalidate the test results. For example, test administrators may provide oral instructions to LEP students in their native language. Test items may not be translated or read aloud in English, and students may not use dictionaries or other reference materials.

Proposals for expanding the types of test accommodations allowed for LEP students have ranged from use of dictionaries or lexicons created for the specific TAAS test, to development of computer-administered tests, to oral administration of tests (which is currently allowed with some tests for students with disabilities). With any new accommodation, concerns about compromising the validity of the test must be overcome. Equity concerns also arise if accommodations are proposed for some LEP students that could not be provided to all LEP students, or if the accommodations would also benefit students who do not have limited English proficiency. Some proposed accommodations, such as special lexicons and computer-administered tests, would require considerable development time.

Number and Consistency of Exemptions

Under current SBOE and commissioner rules, there is wide variability within and across districts in participation rates on the English and Spanish versions of the TAAS for both LEP students and students receiving special education services. District decisions to administer the English TAAS to LEP students potentially have a significant impact on their overall TAAS results and, therefore, their accountability ratings. Introduction of the Spanish TAAS provides another option for testing many LEP students, but also brings another level of complexity to the issue of participation in the English TAAS.

Identification of students as needing special education services potentially has an impact on accountability ratings. Although, currently, TAAS results for students receiving special education services are reported separately and are not used to accredit districts and rate campuses, this could change under recent proposals. The following strategies could be used, alone or in combination, to reduce the number of exemptions of students with disabilities and LEP students and bring greater consistency to district exemption practices: (1) expand accountability system safeguards, (2) standardize procedures for exemptions, (3) reduce or eliminate testing exemptions, and (4) add an exemption standard as a *base* indicator in the accountability rating system. A brief discussion of the four strategies follows.

Expand accountability system safeguards. Currently, analyses undertaken after release of the accountability ratings compare the number of students with disabilities exempted from TAAS by the local ARD committee with the number of students reported through PEIMS as receiving special education services. Also, the number of TAAS answer documents coded as LEP-exempted is compared to the number of students reported as receiving bilingual or ESL services. Discrepancies are investigated and can result in recommendations for corrective actions and/or sanctions. Incorporating the Spanish TAAS results and results for students receiving special education services in the accountability rating system may necessitate additional safeguards. Such safeguards are designed to validate data integrity. However, timing of the receipt of test results prohibits conducting thorough audits of the test data before the accountability ratings are released. One result is that any irregularities are discovered after release of the ratings they may have compromised.

Compliance monitoring, conducted to assure compliance with state and federal program and funding laws, could also be expanded to more closely monitor compliance with new assessment requirements. Regardless of the direction of changes to the assessment and accountability rating systems, some audit of the data will be necessary. The greater the flexibility districts have to determine which students are included in the assessment and accountability rating systems, the more critical system safeguards are.

Standardize procedures for exemption. One way to standardize policies for administering LEP students the English TAAS would be to require all districts to use a single English reading proficiency test with a proficiency standard set by the state to determine whether a student will take the English TAAS. Such a test would impose greater consistency on the testing decisions made by LPACs statewide. One disadvantage to this strategy may be that it could create an inconsistency between program goals and accountability goals. The program goal for LEP students is not only English language proficiency but also academic achievement. Under this proposal, students could be required to take the English TAAS before they have reached the level of academic performance that represents the proficiency required for exit from the special language program. Also, this strategy could reduce the authority of the LPAC to make individual exemption decisions based on a variety of factors related to each student.

Proposals for standardizing procedures for exempting students with disabilities from the TAAS focus on clarifying guidelines for participation, and more closely linking the IEP,

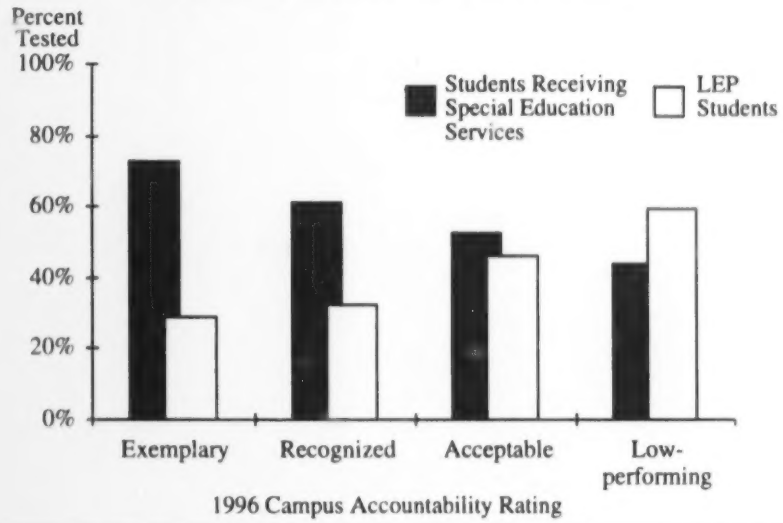
instruction in the essential elements, and assessment. The goal of these proposals is not only to reduce variability in district decision making and increase the number of students tested, but also to promote greater use of student- and subject-specific decisions about participation.

Reduce or eliminate testing exemptions. Commissioner rules (19 TAC §89.1220) give the local LPACs the authority to make exemption decisions based on a number of factors. Requiring all LEP students to participate in a statewide assessment (such as the English TAAS, Spanish TAAS, or RPTE proposal), or to participate sooner, could reduce significantly the number of LEP exemptions from the statewide assessment system. (Such changes would require amendments to SBOE rules.) Changing the criteria for participation in the English TAAS from number of TAAS administrations to years of instruction, as proposed, would alone increase the number tested because students entering Texas public schools by Grade 1 would be tested in English by Grade 5 rather than Grade 6.

Commissioner rules (19 TAC §89.1055) and SBOE rules (19 TAC §101.3) give the local ARD committee primary responsibility for determining if students receiving special education services will participate in the TAAS testing program. Appropriately, TAAS participation rates for students receiving special education services vary by disability. Most students with speech handicaps participate in TAAS, for example, while few students with mental retardation participate. Requiring all or most students with disabilities to participate in a statewide assessment (such as the TAAS or standardized alternative assessment proposal), or testing of all students with certain disabilities or receiving services in certain instructional arrangements, would initially reduce the number of exemptions from the statewide assessment system. The longer term impact of changes such as these on the identification and instruction of students with disabilities is not known.

Add an exemption standard. TAAS exemptions for students with disabilities and LEP students are *report-only* indicators — they are reported in AEIS district and campus reports but are not used to accredit districts and rate campuses. Setting a standard representing a minimum percentage of students who can be exempted from testing for districts and campuses to be eligible for *Exemplary* and *Recognized* ratings, for example, would provide an incentive for high-performing campuses and districts to test more students. As Figure 4 shows, *Exemplary* and *Recognized* campuses already test a larger percentage of their students receiving special education services than campuses receiving *Acceptable* or *Low-performing* ratings. These results are not included in the *base* indicator used to determine ratings. However, a smaller percentage of LEP students on high-performing campuses take the English TAAS than on *Acceptable* and *Low-performing* campuses; these results are included in the *base* indicator used to determine ratings. The primary difficulty in implementing such an option would be in setting standards for percent of students tested that are high enough to provide the desired incentive without penalizing campuses whose unique student populations warrant exempting higher percentages of students.

Figure 4.
Participation in the English TAAS by 1996 Campus Accountability Rating



Source: TEA AEIS 1996; TAAS 1995-96 Spring and Year-round Tests.

Differences in TAAS participation may reflect variations in disabilities of students receiving special education services and native languages of LEP students, and types of programs offered, as well as local test administration practices.

Appropriate Use of Test Results

Decisions about how the test results are incorporated into the AEIS would undoubtedly influence district implementation of any assessment system.

For example, using Spanish TAAS results for determining district and campus ratings would make these test results much higher stakes than RPTE results used as *report-only* indicators. Spanish-speaking students in bilingual programs typically receive instruction in a combination of English and Spanish. Therefore, requiring districts to administer the Spanish TAAS to students receiving instruction in Spanish, as proposed, would leave considerable discretion to the LPAC in determining whether students should be administered the Spanish TAAS or take only the RPTE until they are required to take the English TAAS. As with the Spanish TAAS, decisions about how test results for students with disabilities are incorporated into the AEIS would undoubtedly influence district implementation of changes to the assessment system.

Appropriate Use of Spanish TAAS Results

In developing any new performance indicator for the AEIS, the desired behavior at the district and campus levels should be identified. A critical concern is that use of the indicator promote this desired behavior. Including Spanish TAAS results in the AEIS would help ensure that the educational needs of all LEP students are addressed and high standards of learning for all students are upheld. It is argued that the academic progress of students is important, regardless of the primary language of instruction during the early grades, and that a student with a strong foundation in his or her native language is able to successfully transfer that knowledge to a second language. Consequently, many educators consider the Spanish TAAS to be as important as the English TAAS in interpreting campus and district performance. Some are concerned that if Spanish TAAS performance is not included as a *base* indicator of the accountability rating system, the test will lack credibility. However, there are also concerns about the appropriateness of using Spanish TAAS results in the accountability rating system. It is argued that testing students in their native language does not help them reach greater proficiency in English, which is what they ultimately need to master the exit-level TAAS. Including Spanish TAAS results in the accountability rating system could change the emphasis of bilingual education programs by focusing on greater proficiency in the native language to improve Spanish TAAS scores.

In 1995-96, about 15 percent of all LEP students in Grades 3-6 took the Spanish TAAS as part of the benchmark administration of the Grades 3 and 4 mathematics and reading tests or the field test of the Grade 4 writing and Grades 5 and 6 mathematics and reading tests. If Spanish TAAS results are included in the accountability rating system, districts may choose to test fewer students.

Another concern is whether it is appropriate to compare Spanish TAAS results with English TAAS results. Although the Spanish and English TAAS tests are designed to measure comparable academic content, the tests have not been statistically equated. Therefore, performance on the English and Spanish tests are not directly comparable.

Impact on the Accountability System

Ratings. Including TAAS results for mobile students or students with disabilities, or Spanish TAAS results in the *base* TAAS indicator used to accredit districts and rate campuses would have an impact on the ratings produced through the accountability rating system. An analysis of 1995-96 special education results, Spanish mathematics and reading results for Grades 3 and 4, and results for mobile students not included in the accountability subset was conducted. Although ratings for some campuses and districts would have been raised, in general, accountability ratings would have been lowered by including those TAAS results in the existing TAAS *base* indicator. The 1996 ratings of 789 campuses would have been lowered if TAAS results of students with disabilities enrolled in the district as of the last Friday in October had been included in the *base* TAAS indicator. Ratings of 136 campuses would have been lowered by including Spanish TAAS reading and mathematics results for all non-special education students tested in Grades 3 and 4. Ratings of 262 campuses would have been lowered by including TAAS results for students who moved into the district after the last Friday in October. Ratings of 1,000 campuses — 17 percent of all campuses — would have been lowered by including all TAAS results. Even with advance publicity about changes to the accountability rating system, changes of this magnitude might lead to the misperception that academic performance in Texas public schools is declining.

By 1999, when implementation of changes to the accountability rating system is proposed, the phase-in of standards for the accountability rating system will be in its sixth year. The TAAS passing standard for the *Acceptable* rating will be 45 percent passing each subject test for all students and each student group, compared to 30 percent in 1996. Districts and campuses will not have the time advantage provided in the early years of the accountability rating system to phase in standards for TAAS results added to the system.

Campuses with *Exemplary* and *Recognized* ratings would be most adversely affected by including TAAS results for mobile students and students with disabilities, and Spanish TAAS results. The small range of performance specified for these rating

levels allows less room for declines before the rating is lowered than is the case for campuses with *Acceptable* ratings. As Table 5 shows, campuses receiving the *Acceptable* rating, which already represent 69 percent of all campuses, would increase in number. Such a change would reduce further the distinction in overall ratings produced by the accountability rating system, a feature of the system that is already criticized.

Including TAAS scores for students receiving special education services or students who move into the district after the last Friday in October in the accountability rating system could be expected to impact districts and campuses statewide in a fairly uniform manner. Including Spanish TAAS results would disproportionately impact elementary campuses, and campuses in the Edinburg (Region 1) and El Paso (Region 19) regions. At present, more *base* indicators are applicable to middle and high schools than to elementary schools, thus making it easier on average for an elementary school to achieve a higher rating. The impact of the Spanish TAAS results on ratings could be moderated to some extent by incorporating results for Grades 3-6 in one year, so that all the declines due to the change are experienced at one time. However, this would shorten the phase-in period for the Grade 4 writing test and the Grades 5 and 6 reading and mathematics tests from 3 years to 2 years, or delay making the change for one additional year.

Use of indicators. Creating separate indicators would provide more flexibility in incorporating additional TAAS results into the AEIS. For example, use of TAAS results for students receiving special education services and Spanish test results as *additional* indicators or retaining them as *report-only* indicators, rather than a *base* indicator, could be explored. However, there is opposition from some advocates for students with disabilities to even reporting TAAS results of students receiving special education services separately rather than combined with other campus and district TAAS results. This is coupled with a more general concern that fewer incentives exist to ensure that students excluded from the accountability rating system are assured resources devoted to improved instruction.

Two options have been discussed as possible answers to the growing number of indicators in the accountability rating system. One is to develop a weighted system that does not require each district or campus to meet standards on all indicators. The other option, which would require a change in statute, is to use different indicators to rate districts than are used to rate campuses. As indicators are added to the AEIS, it will be necessary to explore these proposals in greater detail.

Improvement. Statute now defines two improvement measures, Required Improvement and Comparable Improvement, as components of the accountability rating system for districts and campuses. It also specifies the ratings to which Required Improvement will be applied. If additional TAAS results are added to the *base* TAAS indicator, it will be necessary to redefine the methodology for computing Required Improvement and Comparable Improvement because measures of gain would be distorted by changes in the indicator definition across the two years used in the calculation.

Alternative assessment results. It has been proposed that either performance or gain on a proposed reading proficiency test in English be reported on the district and campus AEIS reports. Such an instrument would measure the emerging ability of LEP students to read and comprehend English. An

Table 5. 1996 Accountability Ratings

	1996 Actual*	Change			
		With Special Education	With Spanish TAAS	With Mobile Students	With All TAAS Results
Campus Rating					
Exemplary	394	–176	–23	–59	–211
Recognized	1,299	–414	–92	–77	–550
Acceptable	4,125	559	107	130	713
Low-performing	119	31	8	6	48
	5,937				
District Rating					
Exemplary	37	–21	0	–11	–24
Recognized	209	–113	–4	–16	–122
Academically Acceptable	787	132	4	26	144
Academically Unacceptable	11	2	0	1	2
	1,044				

Source: TEA AEIS 1996; TAAS 1995-96 Spring, Year-round, and Spanish Tests.

* 1996 ratings before appeals.

Although some 1996 campus ratings would have been raised by including additional TAAS results in the accountability rating system, the overall impact would have been to lower ratings.

aggregate measure of performance on a RPTE would represent the range of proficiency levels of LEP students. A measure of gain on a RPTE would reflect the progress of LEP students toward proficiency in English, which is the goal of both bilingual and ESL programs. Either acquiring or developing such a test would have a financial impact. Furthermore, it may not be possible to incorporate RPTE results into the AEIS by 1998-99. A suggestion mentioned earlier is that students performing at a certain level on a RPTE could be required to take the English TAAS. Another proposal is that a measure of required growth on a RPTE be established and incorporated into the accountability rating system as a *base* indicator used to accredit districts and rate campuses.

Reporting results on a proposed alternative assessment for students with disabilities who receive instruction on the essential elements but not on grade level has also been suggested. Options for this reporting would have to be explored as an assessment instrument is developed.

Data Reporting Considerations

Attributing Students to Dual Campuses

As discussed earlier, there are a number of situations in which campuses are not rated under the standard accountability system, or performance of their students is not included in the rating for the district. These are typically campuses serving special populations from across a single district, or from more than one district. Holding the district with the special program accountable for the performance of high-risk students from neighboring districts may unfairly impact districts willing to house such programs. The same is true of campuses that serve special populations from across one district. One solution to bringing some of these students into the standard accountability system may be to attribute their performance to the sending campus and/or district. Doing so requires a mechanism to allow districts, under certain circumstances, to attribute students to a different campus and/or district than the one on which they are receiving services on the PEIMS data submission or TAAS answer document. Thus, districts with campuses that enroll students from outside the district would indicate where the student is receiving instruction and where the student would be receiving instruction if she or he were not in the special program. This could include campuses operated by multi-district shared services agreements and JJAEPs. An advantage to this type of reporting is that it promotes joint responsibility between the sending and receiving districts for the education of the student.

A similar mechanism could be used to attribute students to two different campuses within a district. This would allow districts with alternative education campuses currently rated under the optional evaluation procedure to code students to both the alternative campuses and the sending campuses. The commissioner is considering a Legislative Budget Board recommendation that optional evaluation be discontinued and all schools be rated under the standard accountability system methodology. Currently performance of students on most alternative education campuses is included in the district accreditation rating. Dual attribution of students would provide another option for bringing students in alternative education programs into the standard accountability system at the campus level. If proposed changes to include TAAS results of students receiving special education services in the *base* indicators are adopted, students on special education campuses might also be coded back to their home campuses. However, districts would undoubtedly encounter difficulties identifying the appropriate home campus for many students, and technical difficulties in reporting that information throught current data collections. Some students may move between campuses throughout the school year; others may never have attended school outside the special campus.

Beginning in 1997-98, PEIMS data standards allow dual student attribution information to be reported in specific circumstances. The goal is to be able to attribute performance of students to the appropriate school district for funding purposes. The information may not be appropriate for accountability rating purposes. There are currently no plans to allow districts to code students within a single district to dual campuses.

Conclusion

Including more students in the AEIS performance reports or accountability rating system is contingent upon resolving both measurement and policy issues. First and foremost, measurement issues must be resolved in ways that maintain the validity of the assessment because there must be confidence in the test if it is to be used in a high-stakes accountability system. For students with disabilities this includes difficult issues such as setting standards for determining when a student is capable of participating meaningfully in the assessment, and whether results for students tested with accommodations and adaptations are comparable to those of other students. For LEP students the issues are equally difficult: determining the most appropriate point to begin testing non-native speakers in English, the impact of language adaptations on test results, and equating results of tests administered in different languages.

Several proposals discussed in this report include development of new

assessment instruments designed specifically for special populations, such as students with disabilities not receiving instruction in the essential elements on grade level, or LEP students who have not yet achieved proficiency in English. The overriding issue in standardizing alternative assessments is whether a single assessment can fulfill the testing requirements for most students with disabilities who are exempt from the TAAS, or a single English proficiency test can fulfill the testing requirements of all LEP students who do not participate in the English TAAS. In addition to the conventional measurement concerns of validity and reliability, there will be questions about interpretation of the results of new specialized tests, including what those results mean in relation to the existing assessments. How the test results might be used in the AEIS accountability ratings or reports must be considered at the time any new test is developed or selected.

Policy issues must be resolved in a way that is true to the guiding principles on which the AEIS was based. Following is a summary of policy issues related to each of the eight principles.

Student Performance: State instructional goals associated with including more students in the accountability rating system must be delineated and a determination made regarding how decisions made at the state level will improve the quality of education for students. A major concern is that state-level policy decisions promote the desired behavior at the school and district levels. *Base* indicators used to accredit districts and rate campuses are high-stakes performance measures. It is less clear how schools and districts respond to standards set for *additional* indicators or inclusion of *report-only* indicators in AEIS reports. Decisions about how test results are incorporated into the AEIS would undoubtedly influence implementation of any changes to the assessment program.

Policy decisions can also have both intended and unintended long-term consequences for instruction and may result in reconsideration of policies unrelated to state accountability. For example, including students with disabilities in the accountability rating system may raise the question of whether those students should be required to pass the exit-level TAAS in order to graduate, given all other students currently included in the accountability rating system are required to do so.

Recognition of Diversity: Assessment decisions for students with disabilities must take into consideration the individualized nature of disabilities and classroom instruction of students receiving special education services. Policies standardizing assessment decisions (whether they were based on instruction in the essential elements, disability, instructional arrangement, or other factors) would by definition sacrifice to some degree recognition of individual circumstances. Likewise, policies regarding participation in the English TAAS of LEP students must take into account the variety of native languages spoken and types of special language programs being offered, and how these vary based on age or grade-level of the students and literacy in their native language at the time they enter Texas public schools.

System Stability: It may be difficult to add TAAS results for students with disabilities or mobile students, or Spanish TAAS results, to the accountability rating system without making changes in major system components such as the criteria and standards for meeting each of the rating levels.

Appropriate Consequences: Implementing changes to the accountability rating system that local educators and policymakers perceive as punitive in nature could undermine the credibility of the system.

Statutory Compliance: As new policies related to TAAS exemptions are implemented, it may be necessary to place more emphasis on accountability system safeguards designed to validate data integrity, including developing additional safeguards and expanding the role of the special programs compliance monitoring system.

Local Program Flexibility: Policymakers must determine how much weight should be given to standardizing TAAS exemptions and assessments for students with disabilities and LEP students across districts through state policy changes, versus providing ARD and LPAC committees the authority to make assessment decisions based on individual student needs.

Local Responsibility: The AEIS has always relied on local school districts to develop and implement local accountability systems that complement the state system.

Public's Right to Know: Policy issues must be resolved in a way that retains the ability of educators, parents, and policymakers to interpret AEIS reports in a meaningful way. Avoiding the misperception that academic performance of Texas public schools has declined will be critical if TAAS performance or accountability ratings drop solely as a consequence of including results for students with disabilities or mobile students, or Spanish TAAS results.

Legislative Update

Legislation passed in May 1997 by the 75th Texas Legislature implements changes to the assessment program and accountability rating system. House Bill 1800 amends TEC Chapter 39 related to assessment academic skills and performance indicators for students in special education programs. Senate Bill 133 amends TEC Chapter 37 related to the accountability rating procedures for alternative education campuses. Timelines for implementing the new legislation and integrating changes into the statewide assessment program and AEIS will be developed in the coming months.

House Bill 1800

Alternative Assessment. Under the new legislation, the TEA will develop or adopt assessment instruments to be administered to students in special education programs in Grades 3-8 who receive instruction in the essential knowledge and skills but for whom the TAAS, even with allowable modifications, does not provide an appropriate measure of achievement. The new alternative assessment will assess competencies and growth in reading, mathematics, and writing. The tests will be administered on the same schedule as the TAAS. The questions and answer keys to the new instruments will initially be released after the last administration of the instruments in the third school year during which they are administered.

ARD. The local ARD committee will continue to determine whether allowable modifications are necessary in administering an assessment to a student in a special education program, or the student should be exempt from the assessment. In addition, the ARD will determine the level of performance on the new alternative assessment considered to be satisfactory for each student tested, based on criteria established by the commissioner of education. For students in special education programs who do not perform satisfactorily on the alternative assessment, the ARD must design an intensive program of instruction to enable the student to attain the standard of growth described in the IEP.

Exemptions. Only students in special education programs who are not receiving instruction in the essential knowledge and skills at any grade level can be exempt from both the TAAS and the new alternative assessment in Grades 3-8. Students in special education programs can be exempt from the exit-level TAAS or end-of-course examinations if they are not receiving instruction in the essential knowledge and skills at any grade level or the local ARD committee determines that, even with allowable modifications, these tests would not provide an appropriate measure of the student's academic achievement.

System Safeguards. The commissioner of education must develop additional accountability system safeguards to review the exemption practices of districts and shared services arrangements in which more than a specified number or percentage of the Grade 3-8 students in special education programs are exempt from the statewide testing program (both TAAS and the new alternative assessment). The number of exemptions that would trigger an investigation varies based on average daily attendance of the district or shared services arrangement.

AEIS. Beginning with the 2002-2003 school year, performance on the new alternative assessment must be included in the AEIS. Results cannot be aggregated by grade level or subject area, which effectively prevents use of the new alternative assessment in accrediting districts and rating campuses. The TAAS results of students in special education programs will be included in the AEIS TAAS performance indicators, including the *base* indicator used to accredit districts and rate campuses. The timeline and mechanism for implementing this change in conjunction with development and administration of the new alternative assessment instruments must be determined.

Senate Bill 133

Senate Bill 133 requires the commissioner of education to adopt rules to administer the accountability rating procedures for alternative education campuses. The mission of alternative education programs is stated — to enable students to perform at grade level. Campus performance standards must be defined by the commissioner to measure academic progress of students toward grade level while attending alternative education programs. Alternative education programs will continue to receive annual ratings of *Acceptable* or *Needs Peer Review*.

Under this legislation, school districts will continue to report students enrolled in JJAEP programs as if they were enrolled at the sending campuses, and performance of those students will be included when determining the performance rating for the sending campus. In addition, the Texas Juvenile Probation Commission (with the agreement of the commissioner of education) will develop and implement an accountability system for JJAEPs. The JJAEP accountability system must be consistent with the accountability rating system for Texas public schools and school districts, where appropriate. The purpose of the JJAEP accountability system is to assure that students make progress toward grade level while attending a JJAEP.

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COMPLIANCE STATEMENT

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern Distnct of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a nonsegregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/Affirmative Action employer.

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